

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Gram Panchayats – Vyyuru Gram Panchayat – Appeal Petition filed by Sri A.Venkateswara Rao, Sarpanch (Removed), Vyyuru Gram Panchayat, and Mandal , Krishna District against the proceedings of the District Collector (PW), Ranga Reddy District – Appeal Petition disallowed - Orders - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O. Rt. No.1372

Dated:22-08-2011

Read the following:-

1. From Sri. P.Harinatha Gupta, Additional Advocate General, High Court Buildings, Hyderabad Lr.No. 1067/2010,dt. 4.10.2010.
2. From the Asst. registrar, APHC W.P. No. 24635/2010, dt. 4.10.2010.
3. From the Asst. registrar, APHC . W.P. No. 24635/2010, dt. 02.11.2010.
4. From the District Collector , Krishna District , Roc.No.799/2010 , Pts.8,dt.4.1.2011
5. Govt. Memo. No.6870/Pts.II/A2/2010, dt 31-1-2011.
6. Appeal Petition filed by Sri.A. Venkateshwara Rao, Sarpanch, Vuyyuru Gram Panchayat, Vuyyuru (M) Krishna District, dt. NIL.
7. From the Govt., Pleader for PR&RD, High Court Lr.No. P.No. 1030/2011/DPRR/P.Raj, dt. 25.01.2011.
8. Govt. Memo. No.6870/Pts.II/A2/2010-7, dt 1-3-2011.
9. From the Assistant Registrar, Hon'ble High Court of A.P. W.P. MP.No. 8078/2011 in WPNo.6482 of 2011, dt. 15.03.2011.
10. From the Assistant Registrar, A.PHC WPNo.6482 of 2011, dt. 4.07.2011.
11. From the DPO , Krishna District , Roc.No.799/2010 , Pts.8,dt.19.7.2011.
12. Govt. Memo. No.6870/Pts.II/A2/2010-14, dt 30-7-2011.
13. From the DPO , Krishna District , Roc.No.799/2010 , Pts.8,dt.8.8.2011

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ORDER:

In the reference 2nd read above, the Hon'ble High Court has directed the respondents to show cause as to why in the circumstances set out in the petition and the affidavit filed therein should not be admitted.

2. In the reference 3rd read above, the Hon'ble High Court while setting aside the orders of Dist. Collector (PW), Krishna, dt. 06.9.2010 and 20.9.2010 has partly allowed the WP.

3. In the reference 4th read above, the District Collector (PW), Krishna, Machilipatnam has issued orders removing Sri A.Venkateswara Rao from the post of the Sarpanch (Removed), Vuyyuru Gram Panchayat, and Mandal, Krishna District U/s 249(1).

4. In the reference 5th read above, while granting stay against the proceedings of the District Collector the remarks of the Collector have been called for.

5. The case was heard on 1.3.2011. The Sarpanch and District Panchayat Officer attended the hearing. The District Panchayat Officer has explained in detail the reason behind the removal of the Sarpanch. The Sarpanch, while submitting a representation, raised certain points about the work done in the Gram Panchayat. The District Panchayat Officer was accordingly directed to get the physical verification of the works done considering the points raised by the Sarpanch and send a detailed report by vacating the stay granted vide the reference 5th read above since the Sarpanch was reportedly involved in misappropriation of huge funds vide reference 8th read above.

6. In the reference 9th read above, the Hon'ble High Court has granted interim orders on the "stay vacated" orders issued vide reference 8th read above.

7. In the reference 10th read above, the Hon'ble High Court while disposing the WP has ordered to dispose of the appeal after due notice to all the parties as early as possible, preferably within a period of 2 weeks from the date of receipt of the order by setting aside the order 1.3.2011.

8. In the reference 11th read above, the District Panchayat Officer, has reported that an amount of Rs. 47,03,773/- was misappropriated by the Sarpanch and requested the Government to dismiss the appeal petition filed by the Sarpanch.

9. The case was heard on 22-07-2011. The District Panchayat Officer, Sarpanch, Learned counsels for appellant and the Upa-Sarpanch also attended the hearing. The Advocate for Appellant has requested to grant time of two weeks to produce records/Petitions to District Panchayat Officer. During hearing a copy of the District Panchayat Officer letter dt 19-07-2011 was given to the Advocate by adjourning the case to 29-07-2011. In the mean time the imp leaded Upa- Sarpanch has also given a petition making further allegation against the appellant Petitioner. The District Panchayat Officer was directed to enquire in detail and submit a report to Government by 10th August vide reference 12th read above.

10. In the reference 13th read above, the District Panchayat Officer, Krishna, Machilipatnam has stated that he has visited the Gram Panchayat Vuyyuru on 5.8.2011 and verified the records available with the Gram Panchayat. When the Sarpanch was asked to specify the works taken up with money drawn as advance so that physically verification can be taken up, he expressed his inability to mention and show the works. This clearly shows that no works were done with the advances drawn and there are no corresponding Measurement Book entries. This also shows that the money was drawn as advance and misappropriated. On perusal of the record the following irregularities are noticed.

MISAPPROPRIATION OF FUNDS

A) General Funds

S.No.	Years	Amount Drawn	Remarks
1	2007- 2008	30,000/-	M. Book & Voucher not produced
2	2008-09	6,74,779/-	M. Book,Bills & Voucher not produced
3	2009-10	10,31,182/-	M. Book & Voucher not produced and some of no estimate , no permission of higher authority.

11. Further he has reported that as per the procedure prescribed for incurring expenditure as laid down in G.O.Ms.No.496 PR, Dt.11.6.1966. The above amounts were drawn by the Sarpanch , Vuyyuru Gram Panchayat violating rule 22 issued in the said G.O. The Rule 22 says that “ All payments out of the Gram Panchayat shall be made only after the bills are passed by the executive authority or by some person duly authorized in that behalf by the executive authority “ . The Sarpanch violated the rules prescribed and misappropriated the above amount for which there are no bills , vouchers etc,

B)SGRY-II FUNDS:

<u>4</u>	<u>2005 TO 2008</u>	The Sarpanch has total drawn an amount Rs.8,81,891 /- but properly work done an amount Rs.8,58,042/- ,so an amount 23,849/- is misappropriation.	So an amount 23,849/- is misappropriation.
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C) TFC Funds

<u>5</u>	<u>2007-2008</u>	The Sarpanch has total drawn an amount Rs.11,97,796 /- but properly work done an amount Rs.11,14,050/- ,so an amount 83,746/- is misappropriation.	So an amount 83,746/- is misappropriation.
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SFC Funds

<u>6</u>	<u>2007-2009</u>	The Sarpanch has total drawn an amount Rs.8,86,542 /- but properly work done an amount Rs.8,51,407/- ,so an amount 35,135/- is misappropriation.	So an amount 35,135/- is misappropriation.
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12. There is no provision for drawl of advances from Government grants released to the Gram Panchayat under S.F.C.,S.G.R.Y., and T.F.C. But the Sarpanch had drawn the advances as shown above and heavy amounts were kept with him. No corresponding works were taken up. This amount to misappropriation of Gram Panchayat Funds. In addition to the above , the Sarpanch has incurred the following expenditure by violating the rules and the procedure prescribed.

7	2008-09	11,46,267/-	Stock Register not produced and aquitt acquittance are not produced.
	2009-10	16,62,591/-	Stock Register and Log book not not produced and Collector orders Not followed.

13. As per the norms prescribed in G.O.Ms.No.496 PR, Dt. 11.06.1996 under rules 22 to 29 procedure should be followed while incurring expenditure by the sarpanch from Gram Panchayat General Funds. But there is gross violation of these rules by the Sarpanch while drawing funds. He made payments without verifying bills, vouchers etc. This amounts to criminal negligence on the part of the Sarpanch.

14. Moreover, while incurring expenditure to meet contract amount for services of street lighting, sanitation and water supply in the Gram Panchayat sanction orders from District collector should be obtained as per the provisions issued in G.O.Ms.No.70 PR&RD (Rules), dated 29.2.2000. But in this case the Sarpanch, Vuyyuru Gram Panchayat has failed to obtain the orders of the District Collector for utilizing the services on contract basis and incurring expenditure duly violating the rules. Thus the Sarpanch he has misused his official powers and functions in the administration of the Gram Panchayat.

15. In summary it is submitted that the following are the funds misappropriated in Vuyyuru Gram Panchayat.

Sl.No.	Nature of funds	Misappropriated amount	Violation of Rules
1	General	1735961-00	2808858-00
2	SGRY-II	23849-00	
3	TFC	83746-00	
4	SFC	35135-00	
	Total	1878691-00	2808858-00

16. In view of the above, the Sarpanch, Vuyyuru Gram Panchayat is not only abused his powers and functions of Sarpanch and violated the rules in force, but also misappropriated Gram Panchayat funds. Therefore, the Sarpanch is liable for removal from the post of Sarpanch, Gram Panchayat, Vuyyuru under section-249(1) of APPR Act-1994 as well as recovery of misappropriated amounts from him.

17. The Government after careful examination of the matter and material on record hereby dismiss the Appeal Petition filed by Sri A.Venkateswara Rao, Sarpanch (Removed), Vuyyuru Gram Panchayat, and Mandal , Krishna District and confirm the orders issued by the District Collector vide reference 4th read above.

18. The District Collector (PW), Krishna District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

DR. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector (PW) Krishna District.
Copy to:
The District Panchayat Officer, Krishna District.
The Govt. Pleader for PR High Court of AP, Hyderabad,(for information)
Sri A.Venkateswara Rao, Sarpanch (Removed), Vuyyuru Gram Panchayat, and
Mandal , Krishna District.
Sri. D. Srinivasa Rao, Upa-Sarpanch, Thotavalluru, Vuyyuru Gram Panchayat,
Krishna District.
The P.S to M(PR & RWS)
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER